IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5971 OF 2005

Sandeep Kumar Nityanand Jha. ... Applicant.

Versus.

State of Maharashtra. ... Respondent.

Shri V.S.Paradkar for the Applicant.
Ms.M.H.Mahtra, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 16th Sept., 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the State. This application for anticipatory bail is for the limited relief. The Advocate for the Applicant states that the Applicant apprehends arrest in connection with C.R.No.290 of 2005 registered at J.P.Road Police Station, Baroda City, State of Gujarat. He states that the apprehension of the Applicant is that even before he files appropriate application before the concerned Sessions Court, he may be arrested. Therefore, the learned Advocate for the Applicant submitted that a limited protection be granted to enable the Applicant to move the appropriate Sessions Court. I have heard the learned A.P.P. appearing for the State.

2. Considering the averments made in the application, in particular the averment that as of today the Applicant is not named as an accused in the said C.R. which is already registered, a case is made out for

grant of limited relief.

3. Hence the application is disposed of by the following order:

(i) The Applicant shall not be arrested in connection with C.R.No.290 of 2005 registered at J.P.Road Police Station, Baroda City, State of Gujarat till 28th September 2005, subject to condition of complying with the conditions incorporated in clause (i) to (iii) of Sub-section 2 of section 438 of the Code of Criminal Procedure, 1973.

(ii) This limited relief is granted to enable the Applicant to file application for anticipatory bail before the appropriate Sessions Court. It is made clear that if such an application is made, the same shall be decided by the concerned Court on its own merits without being influenced by the grant of limited relief by this Court.

(iii) The parties to act on an authenticated copy of this order.

Judge.